

1  
2  
3  
4  
5  
6  
7  
8       **UNITED STATES DISTRICT COURT**  
9                   **EASTERN DISTRICT OF CALIFORNIA**  
10

11       MOUSENG SEE,

12                   Petitioner,

13               v.

14       JEFF MACOMBER,

15                   Respondent.

Case No. 1:24-cv-01096-KES-SKO (HC)

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

[Doc. 9]

16  
17       Petitioner has requested the appointment of counsel. There currently exists no absolute  
18 right to appointment of counsel in habeas proceedings. See, e.g., Anderson v. Heinze, 258 F.2d  
19 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984). However, Title  
20 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any stage of the case if "the  
21 interests of justice so require." See Rule 8(c), Rules Governing Section 2254 Cases. Here,  
22 Petitioner has filed a well-pled petition and the matter is currently awaiting a response from  
23 Respondent. The Court does not find that the interests of justice require the appointment of  
24 counsel at the present time.

25       Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of  
26 counsel is DENIED.

27  
28       IT IS SO ORDERED.

1  
2 Dated: November 8, 2024

/s/ Sheila K. Oberto

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
UNITED STATES MAGISTRATE JUDGE